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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   MICHAEL WAYNE JOYCE,   No. 1:24-cv-00422 GSA (PC)

12   Plaintiff,   ORDER DIRECTING PLAINTIFF TO SHOW
                                                  CAUSE WHY THIS MATTER SHOULD NOT
13   v.   BE DISMISSED FOR FAILURE TO OBEY A
                                                  COURT ORDER
14   ISMAIL PATEL,
                                                  (See ECF No. 10)
15   Defendant.
                                                  PLAINTIFF'S SHOWING OF CAUSE OR, IN
16   THE ALTERNATIVE, HIS FILING OF A
                                                  NON-PRISONER IN FORMA PAUPERIS
17   APPLICATION DUE IN SEVEN DAYS

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19   Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this

20   civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United

21   States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22   For the reasons stated below, Plaintiff will be ordered to show cause why this matter

23   should not be dismissed for failure to obey a court order. As an alternative to filing the showing

24   of cause, Plaintiff may file a completed non-prisoner in forma pauperis application. Plaintiff shall

25   have seven days to take either course of action.

26   I.   RELEVANT BACKGROUND

27   On December 16, 2024, a notice of change of address filed by Plaintiff was docketed. See

28   ECF No. 9. In it, the new address provided by Plaintiff appeared to be a residential address

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1   indicating that Plaintiff was no longer incarcerated. See id. Based on this presumption, on

2   February 5, 2025, Plaintiff was ordered to file a non-prisoner in forma pauperis application. See

3   ECF No. 10. He was given thirty days to complete the form and return it to the Court. Id.

4   More than thirty days have passed, and Plaintiff has not responded to the Court's order.

5   He has not requested an extension of time to do so, either.

6   II.   DISCUSSION

7   Upon release from prison, a former inmate must be allowed to apply to proceed under

8   general in forma pauperis provisions of 28 U.S.C. § 1915(a)(1). See DeBlasio v. Gilmore, 315

9   F.3d 396, 399 (4th Cir. 2003); In re Prison Litigation Reform Act, 105 F.3d 1131, 1139 (6th Cir.

10   1997) (upon release, obligation to pay remainder of fees to be determined solely on question of

11   whether individual qualifies for pauper status). A released prisoner may proceed in forma

12   pauperis upon satisfying the poverty provisions applicable to non-prisoners. McGann v. Comm'r,

13   Soc. Sec. Admin., 96 F.3d 29, 30 (2d Cir. 1996).

14   Because Plaintiff has neither provided a non-prisoner in forma application to the Court or

15   paid the filing fee in full, this matter may not proceed any further. As a result, Plaintiff will be

16   ordered to show cause why this case should not be dismissed for failure to obey a court order. As

17   an alternative to filing the showing of cause, Plaintiff may either pay what remains of the filing

18   fee, or he may complete and file a non-prisoner in forma application. Plaintiff will be given

19   seven days to take either course of action.

20   Accordingly, IT IS HEREBY ORDERED that:

21   1. The Clerk of Court shall send Plaintiff another copy of the Court's application to

22   proceed in forma pauperis for a non-prisoner;

23   2. Plaintiff is ordered to SHOW CAUSE why this matter should not be dismissed for

24   failure to obey a court order. See ECF No. 10;

25   3. As an ALTERNATIVE to filing the showing of cause, Plaintiff may either pay what

26   remains of the filing fee, or he may complete and file a non-prisoner in forma pauperis

27   application, and

28   4. Plaintiff shall have seven days to take either course of action.

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1   **Plaintiff is cautioned that failure to comply with this order within the time allotted**

2   **may result in a recommendation that this matter be dismissed.**

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IT IS SO ORDERED.

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6   Dated: **March 18, 2025**   **/s/ Gary S. Austin**
                                          UNITED STATES MAGISTRATE JUDGE
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